IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA:

CWP.No.825/2003

Date of Decision :.15.5.2007.

Kashmir Singh. …petitioner.

Versus:

Union of India and others. …Respondents.

Coram:

The Hon'ble Mr.Justice Sanjay Karol, Judge.

Whether approved for reporting?[2]

For the petitioner: Mr.Dhramvir Sharma,Advocate.

For Respondents. Mr.Sandeep Sharma, Assistant Solicitor General.

Sanjay Karol, J (Oral).

The petitioner was enrolled in the Indian Army (Dogra Regiment) on 10th January, 1970 as Infantry Soldier (General duty). He was invalided out from military service on 9th Apirl, 1973 in medical category "EEE" in terms of Rule 13(3) of Army Rules, 1954 for having acquired disability due to disease "NEUROSIS HYSTRICAL FITS-300". The order was based on the opinion of the Medical Board dated 15th December, 1972, who assessed the disability of the petitioner as 20% This disability is stated to be neither attributable nor aggravated by military service being constitutional

---

[2] **Whether reporters of Local Papers may be allowed to see the judgment?**

in nature and unrelated to the service condition. The claim of the petitioner for entitlement of disability pension was rejected on 11th June, 1973 itself.

As to whether the disability is constitutional and neither attributable nor aggravated by military service is seriously disputed by the parties. In view of the disputed question of fact, it would be appropriate and also in the interest of justice that the respondents are directed to consider the case of the petitioner afresh in view of the material which he may place before them as also the ratio of law laid down by this Court in CWP.No.742 of 2003 titled as *Santosh Kumar Vs. Union of India*, .

The respondents shall take a decision, after affording an opportunity to the petitioner, by a speaking order within a period of four months from today. The writ petition is accordingly disposed of.

(Sanjay Karol),
Judge.

May 15, 2007(R)